

CHAPTER 478

NATURAL RESOURCES

HOUSE BILL 22-1348

BY REPRESENTATIVE(S) Froelich and Caraveo, Amabile, Bacon, Bernett, Cutter, Duran, Gray, Hooton, Jodeh, Kennedy, Kipp, Lindsay, Lontine, Sirota, Bird, Boesenecker, Gonzales-Gutierrez, McCormick, Ricks, Titone, Valdez A., Weissman, Benavidez, Herod, Snyder, Sullivan, Woodrow;
also SENATOR(S) Winter, Buckner, Donovan, Ginal, Gonzales, Hansen, Jaquez Lewis, Lee, Moreno, Pettersen, Story, Zenzinger, Fenberg.

AN ACT

CONCERNING ENHANCED OVERSIGHT OF THE CHEMICALS USED IN OIL AND GAS PRODUCTION, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that:

- (a) There are tens of thousands of active oil and gas wells in Colorado;
- (b) Many different types of products that contain chemical additives are used by operators during the drilling and stimulation of these wells to break up the subsurface and extract oil and gas from the ground;
- (c) While water and sand can make up the vast majority of these products, the amount of chemical additives injected into a well can add up to tens of thousands of gallons because of the amount of these products that are used during the course of an oil and gas operation;
- (d) When these chemical additives are injected into a well, there is a high risk of contamination to nearby groundwater or surface water; and
- (e) Some chemicals used in chemical products, such as perfluoroalkyl and polyfluoroalkyl chemicals and biocides, have high aquatic toxicity and can be incredibly harmful to human health and the environment.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(2) The general assembly further finds and declares that:

(a) Even though exposure to these chemical additives poses a danger to public health and the environment, scientists, state and local regulators, and the public lack full access to information about the chemical additives used in oil and gas production in the state;

(b) While Colorado requires the reporting of certain chemical information for products that are used in hydraulic fracturing (fracking) operations for input into a third-party database, there are broad exemptions allowed for chemical information that is deemed proprietary or confidential by the operator or supplier of a product;

(c) In recent years, thousands of operators who conduct fracking operations have used trade secrecy claims to avoid disclosing information about the chemicals that they use in their operations;

(d) Operators and suppliers of the products often do not have knowledge of the chemical information that they are required to report to the state;

(e) As a result of the amount of trade secrecy claims and the operators' and suppliers' lack of knowledge of specific chemical information, information about the chemical additives that are used in fracking operations in the state is vastly underreported;

(f) Greater transparency regarding chemical use in oil and gas production is urgently needed and can be achieved by:

(I) Requiring manufacturers and disclosers, rather than operators, to disclose information about chemicals that are used in oil and gas production in the state;

(II) Requiring the Colorado oil and gas conservation commission to gather the chemical information so that the disclosure of specific chemical information can be separated from the trade name of a product, which will thereby protect any proprietary information; and

(III) Ensuring that operators disclose chemical information to the state, local governments, and communities in close proximity to operations after the operations have commenced; and

(g) A full inventory of the chemicals used in oil and gas production will:

(I) Assist state agencies, local governments, health-care professionals, public health officials, and scientists in determining if highly hazardous chemicals are being used in oil and gas production; and

(II) Encourage the disclosers and users of products that contain highly hazardous chemicals to use less toxic alternatives in future products and oil and gas operations.

(3) Therefore the general assembly determines and declares that the state should enact a regulatory scheme that provides full disclosure of the chemicals that are being deposited into the environment through oil and gas production because:

(a) Coloradans have the right to know what chemicals are being deposited into the environment where they live, work, and recreate; and

(b) State and local governments and regulators need this chemical information to adequately protect the people, water systems, wildlife, and environment of Colorado.

SECTION 2. In Colorado Revised Statutes, **add 34-60-132** as follows:

34-60-132. Disclosure of chemicals used in downhole oil and gas operations - chemical disclosure lists - community notification - reports - definitions - rules - repeal. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) (I) "ADDITIVE" MEANS A CHEMICAL OR COMBINATION OF CHEMICALS ADDED TO A BASE FLUID FOR USE IN A HYDRAULIC FRACTURING TREATMENT.

(II) "ADDITIVE" INCLUDES PROPPANTS.

(b) "BASE FLUID" MEANS THE CONTINUOUS PHASE FLUID TYPE, SUCH AS WATER, USED IN A HYDRAULIC FRACTURING TREATMENT.

(c) "CHEMICAL" MEANS ANY ELEMENT, CHEMICAL COMPOUND, OR MIXTURE OF ELEMENTS OR CHEMICAL COMPOUNDS THAT HAS A SPECIFIC NAME OR IDENTITY, INCLUDING A CHEMICAL ABSTRACTS SERVICE NUMBER.

(d) "CHEMICAL ABSTRACTS SERVICE NUMBER" MEANS THE UNIQUE NUMERICAL IDENTIFIER ASSIGNED BY THE CHEMICAL ABSTRACTS SERVICE TO A CHEMICAL.

(e) "CHEMICAL DISCLOSURE INFORMATION" MEANS THE INFORMATION DISCLOSED TO THE COMMISSION UNDER SUBSECTIONS (2)(a)(I) AND (3)(a)(I) OF THIS SECTION.

(f) "CHEMICAL DISCLOSURE LIST" MEANS A LIST OF CHEMICALS USED IN DOWNHOLE OPERATIONS AT A WELL SITE.

(g) "CHEMICAL DISCLOSURE WEBSITE" MEANS A WEBSITE THAT IS CAPABLE OF DISPLAYING CHEMICAL DISCLOSURE LISTS AND CAN BE ACCESSED BY THE PUBLIC.

(h) (I) "CHEMICAL PRODUCT" MEANS ANY PRODUCT THAT CONSISTS OF ONE OR MORE CHEMICALS AND IS SOLD OR DISTRIBUTED FOR USE IN DOWNHOLE OPERATIONS IN THE STATE.

(II) "CHEMICAL PRODUCT" INCLUDES ADDITIVES, BASE FLUIDS, AND HYDRAULIC FRACTURING FLUIDS.

(III) "CHEMICAL PRODUCT" DOES NOT INCLUDE THE STRUCTURAL AND MECHANICAL COMPONENTS OF A WELL SITE WHERE DOWNHOLE OPERATIONS ARE BEING CONDUCTED.

(i) (I) "DIRECT VENDOR" MEANS ANY DISTRIBUTOR, SUPPLIER, OR OTHER ENTITY THAT SELLS OR SUPPLIES ONE OR MORE CHEMICAL PRODUCTS DIRECTLY TO AN OPERATOR OR SERVICE PROVIDER FOR USE AT A WELL SITE.

(II) "DIRECT VENDOR" DOES NOT INCLUDE ENTITIES THAT MANUFACTURE, PRODUCE, OR FORMULATE CHEMICAL PRODUCTS FOR FURTHER MANUFACTURE, FORMULATION, SALE, OR DISTRIBUTION BY THIRD PARTIES PRIOR TO BEING SUPPLIED DIRECTLY TO OPERATORS OR SERVICE PROVIDERS.

(j) "DISCLOSER" MEANS AN OPERATOR, ANY SERVICE PROVIDER USING ONE OR MORE CHEMICAL PRODUCTS IN THE COURSE OF DOWNHOLE OPERATIONS, AND ANY DIRECT VENDOR THAT PROVIDES ONE OR MORE CHEMICAL PRODUCTS DIRECTLY TO THE OPERATOR OR SERVICE PROVIDER FOR USE AT A WELL SITE.

(k) "DIVISION" MEANS THE DIVISION OF PARKS AND WILDLIFE IN THE DEPARTMENT OF NATURAL RESOURCES.

(l) "DOWNHOLE OPERATIONS" MEANS OIL AND GAS PRODUCTION OPERATIONS THAT ARE CONDUCTED UNDERGROUND.

(m) "HEALTH-CARE PROFESSIONAL" MEANS A PHYSICIAN, PHYSICIAN ASSISTANT, NURSE PRACTITIONER, REGISTERED NURSE, OR EMERGENCY MEDICAL SERVICE PROVIDER LICENSED OR CERTIFIED BY THE STATE.

(n) "HIGH-PRIORITY HABITAT" MEANS HABITAT AREAS IDENTIFIED BY THE DIVISION WHERE MEASURES TO AVOID, MINIMIZE, AND MITIGATE ADVERSE IMPACTS TO WILDLIFE HAVE BEEN IDENTIFIED TO PROTECT BREEDING, NESTING, FORAGING, MIGRATING, OR OTHER USES BY WILDLIFE.

(o) "HYDRAULIC FRACTURING FLUID" MEANS THE FLUID, INCLUDING ANY BASE FLUID AND ADDITIVES, USED TO PERFORM A HYDRAULIC FRACTURING TREATMENT.

(p) "HYDRAULIC FRACTURING TREATMENT" MEANS ALL STAGES OF THE TREATMENT OF A WELL BY THE APPLICATION OF HYDRAULIC FRACTURING FLUID UNDER PRESSURE, WHICH TREATMENT IS EXPRESSLY DESIGNED TO INITIATE OR PROPAGATE FRACTURES IN AN UNDERGROUND GEOLOGIC FORMATION TO ENHANCE THE PRODUCTION OF OIL AND GAS.

(q) "MANUFACTURER" MEANS A PERSON OR ENTITY THAT MAKES, ASSEMBLES, OR OTHERWISE GENERATES A CHEMICAL PRODUCT OR WHOSE TRADE NAME IS AFFIXED TO A CHEMICAL PRODUCT.

(r) "PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES" OR "PFAS CHEMICALS" HAS THE MEANING SET FORTH IN SECTION 25-5-1302 (7).

(s) "PROPPANTS" MEANS MATERIALS INSERTED OR INJECTED INTO AN UNDERGROUND GEOLOGIC FORMATION DURING A HYDRAULIC FRACTURING TREATMENT THAT ARE INTENDED TO PREVENT FRACTURES FROM CLOSING.

(t) "PUBLIC WATER SYSTEMS" HAS THE MEANING SET FORTH IN SECTION 25-1.5-201 (1).

(u) "TRADE SECRET" HAS THE MEANING SET FORTH IN SECTION 7-74-102 (4).

(v) "TYPE III AQUIFER" MEANS AN AQUIFER THAT CONSISTS OF UNCONSOLIDATED

GEOLOGIC MATERIAL, INCLUDING ALLUVIAL, COLLUVIAL, OR OTHER CONSOLIDATED MATERIALS.

(w) "WELL SITE" MEANS THE AREA THAT IS DIRECTLY DISTURBED DURING OIL AND GAS OPERATIONS.

(2) Discloser chemical disclosure information and declaration. (a) ON AND AFTER JULY 31, 2023, AND SUBJECT TO SUBSECTION (2)(b) OF THIS SECTION, A DISCLOSER THAT SELLS OR DISTRIBUTES A CHEMICAL PRODUCT FOR USE IN DOWNHOLE OPERATIONS IN THE STATE OR THAT USES A CHEMICAL PRODUCT IN DOWNHOLE OPERATIONS IN THE STATE MUST:

(I) DISCLOSE TO THE COMMISSION:

(A) THE TRADE NAME OF THE CHEMICAL PRODUCT; AND

(B) A LIST OF THE NAMES AND CHEMICAL ABSTRACTS SERVICE NUMBERS OF EACH CHEMICAL USED IN THE CHEMICAL PRODUCT; AND

(C) IF A DISCLOSER BELIEVES THAT A CHEMICAL CONSTITUENT OF A CHEMICAL PRODUCT IS A TRADE SECRET OR IS PROPRIETARY INFORMATION, NEVERTHELESS DISCLOSE THE CHEMICAL CONSTITUENT; AND

(II) PROVIDE A WRITTEN DECLARATION TO THE COMMISSION THAT THE CHEMICAL PRODUCT CONTAINS NO INTENTIONALLY ADDED PFAS CHEMICALS.

(b) (I) (A) FOR DISCLOSERS THAT WERE ALREADY SELLING OR DISTRIBUTING A CHEMICAL PRODUCT FOR USE IN DOWNHOLE OPERATIONS IN THE STATE BEFORE JULY 31, 2023, OR THAT WERE USING THE CHEMICAL PRODUCT BEFORE JULY 31, 2023, THE INFORMATION AND DECLARATION REQUIRED TO BE PROVIDED PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION MUST BE PROVIDED TO THE COMMISSION AT LEAST THIRTY DAYS BEFORE JULY 31, 2023.

(B) THIS SUBSECTION (2)(b)(I) IS REPEALED, EFFECTIVE JULY 1, 2024.

(II) FOR DISCLOSERS THAT BEGIN TO SELL, DISTRIBUTE, OR USE A CHEMICAL PRODUCT FOR USE IN DOWNHOLE OPERATIONS IN THE STATE ON OR AFTER JULY 31, 2023, THE INFORMATION AND DECLARATION REQUIRED TO BE PROVIDED PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION MUST BE PROVIDED TO THE COMMISSION AT LEAST THIRTY DAYS BEFORE THE DISCLOSER BEGINS SELLING, DISTRIBUTING, OR USING THE CHEMICAL PRODUCT.

(c) THE COMMISSION SHALL ENSURE THAT THE INFORMATION AND DECLARATION REQUIRED TO BE PROVIDED UNDER SUBSECTION (2)(a) OF THIS SECTION IS PROVIDED TO THE COMMISSION.

(d) IF A MANUFACTURER DOES NOT PROVIDE THE INFORMATION DESCRIBED IN SUBSECTION (2)(a)(I) OF THIS SECTION FOR A CHEMICAL PRODUCT THAT IT SELLS OR DISTRIBUTES FOR USE IN DOWNHOLE OPERATIONS IN THE STATE TO A DISCLOSER UPON THE REQUEST OF THE DISCLOSER OR THE COMMISSION, THE MANUFACTURER MUST PROVIDE THE COMMISSION WITH A TRADE SECRET FORM OF ENTITLEMENT, AS

DETERMINED BY THE COMMISSION BY RULE, FOR THE CHEMICAL PRODUCT. AT A MINIMUM, THE MANUFACTURER MUST INCLUDE IN THE TRADE SECRET FORM OF ENTITLEMENT FOR THE CHEMICAL PRODUCT:

(I) THE NAME OF EACH CHEMICAL USED IN THE CHEMICAL PRODUCT; AND

(II) THE CHEMICAL ABSTRACTS SERVICE NUMBER OF EACH CHEMICAL USED IN THE CHEMICAL PRODUCT.

(e) IF, AFTER MAKING A REQUEST TO THE MANUFACTURER OF THE CHEMICAL PRODUCT PURSUANT TO SUBSECTION (2)(d) OF THIS SECTION, A DISCLOSER IS UNABLE TO DISCLOSE THE INFORMATION DESCRIBED IN SUBSECTION (2)(a)(I) OF THIS SECTION, THE DISCLOSER SHALL DISCLOSE TO THE COMMISSION:

(I) THE NAME OF THE CHEMICAL PRODUCT'S MANUFACTURER;

(II) THE CHEMICAL PRODUCT'S TRADE NAME;

(III) THE AMOUNT OR WEIGHT OF THE CHEMICAL PRODUCT; AND

(IV) A SAFETY DATA SHEET FOR THE CHEMICAL PRODUCT, IF IT IS AVAILABLE FOR DISCLOSURE BY THE DISCLOSER AND PROVIDES THE INFORMATION DESCRIBED IN SUBSECTION (2)(a)(I) OF THIS SECTION.

(f) IN THE EVENT THAT THE DISCLOSER IS UNABLE TO DISCLOSE THE INFORMATION DESCRIBED IN SUBSECTION (2)(a)(I) OF THIS SECTION, THE COMMISSION SHALL OBTAIN THE INFORMATION DESCRIBED IN SUBSECTION (2)(a)(I) OF THIS SECTION FROM THE MANUFACTURER.

(3) **Operator chemical disclosure information - declaration.** (a) ON AND AFTER JULY 31, 2023, AND SUBJECT TO SUBSECTION (3)(b) OF THIS SECTION, AN OPERATOR OF DOWNHOLE OPERATIONS USING A CHEMICAL PRODUCT MUST:

(I) DISCLOSE TO THE COMMISSION:

(A) THE DATE OF COMMENCEMENT OF DOWNHOLE OPERATIONS;

(B) THE COUNTY OF THE WELL SITE WHERE DOWNHOLE OPERATIONS ARE BEING OR WILL BE CONDUCTED;

(C) THE UNIQUE NUMERICAL IDENTIFIER ASSIGNED BY THE AMERICAN PETROLEUM INSTITUTE TO THE WELL WHERE DOWNHOLE OPERATIONS ARE BEING OR WILL BE CONDUCTED AND THE US WELL NUMBER ASSIGNED TO THE WELL WHERE DOWNHOLE OPERATIONS ARE BEING OR WILL BE CONDUCTED; AND

(D) THE TRADE NAMES AND QUANTITIES OF ANY CHEMICAL PRODUCTS THE OPERATOR USED IN DOWNHOLE OPERATIONS; AND

(II) PROVIDE A WRITTEN DECLARATION TO THE COMMISSION THAT THE CHEMICAL PRODUCT CONTAINS NO INTENTIONALLY ADDED PFAS CHEMICALS.

(b) (I) (A) FOR A DOWNHOLE OPERATION THAT COMMENCED BEFORE JULY 31, 2023, AND THAT WILL BE ONGOING ON JULY 31, 2023, THE INFORMATION AND DECLARATION REQUIRED TO BE PROVIDED PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION MUST BE PROVIDED TO THE COMMISSION WITHIN ONE HUNDRED TWENTY DAYS AFTER JULY 31, 2023.

(B) THIS SUBSECTION (3)(b)(I) IS REPEALED, EFFECTIVE JULY 1, 2024.

(II) FOR A DOWNHOLE OPERATION THAT COMMENCES ON OR AFTER JULY 31, 2023, THE INFORMATION AND DECLARATION REQUIRED TO BE PROVIDED PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION MUST BE PROVIDED TO THE COMMISSION WITHIN ONE HUNDRED TWENTY DAYS AFTER THE COMMENCEMENT OF THE DOWNHOLE OPERATION.

(c) THE COMMISSION SHALL ENSURE THAT THE INFORMATION AND DECLARATION REQUIRED TO BE PROVIDED UNDER SUBSECTION (3)(a) OF THIS SECTION IS PROVIDED TO THE COMMISSION.

(4) **Change in chemical disclosure information.** IF THERE IS A CHANGE IN THE INFORMATION PROVIDED UNDER SUBSECTION (2)(a)(I) OR (3)(a)(I) OF THIS SECTION, THE DISCLOSER OR OPERATOR, OR IN THE CASE OF DISCLOSURE UNDER SUBSECTION (2)(d) OF THIS SECTION, THE MANUFACTURER, MUST SUBMIT THE CHANGE TO THE COMMISSION WITHIN THIRTY DAYS AFTER THE DATE THE DISCLOSER, MANUFACTURER, OR OPERATOR FIRST KNEW OF THE CHANGE.

(5) **Chemical disclosure lists.** (a) THE COMMISSION SHALL USE THE CHEMICAL DISCLOSURE INFORMATION TO CREATE A CHEMICAL DISCLOSURE LIST FOR EACH APPLICABLE WELL SITE.

(b) (I) THE COMMISSION SHALL INCLUDE IN THE CHEMICAL DISCLOSURE LIST AN ALPHABETICAL LIST OF THE NAMES AND CHEMICAL ABSTRACTS SERVICE REGISTRY NUMBERS OF EACH CHEMICAL USED IN DOWNHOLE OPERATIONS AT THE WELL SITE.

(II) NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE COMMISSION SHALL INCLUDE THE NAMES AND CHEMICAL ABSTRACTS SERVICE REGISTRY NUMBERS OF ALL CHEMICALS USED IN DOWNHOLE OPERATIONS IN THE CHEMICAL DISCLOSURE LIST AND SHALL NOT PROTECT THE NAMES OR CHEMICAL ABSTRACTS SERVICE REGISTRY NUMBERS OF ANY CHEMICAL AS A TRADE SECRET OR PROPRIETARY INFORMATION. ANY FORMULAS AND PROCESSES CONTINUE TO HAVE TRADE SECRET PROTECTIONS.

(c) THE COMMISSION SHALL NOT INCLUDE IN THE CHEMICAL DISCLOSURE LIST:

(I) THE TRADE NAME OF A CHEMICAL PRODUCT USED IN DOWNHOLE OPERATIONS AT THE WELL SITE; OR

(II) THE TOTAL AMOUNT OF A CHEMICAL IN A CHEMICAL PRODUCT.

(d) NO LATER THAN THIRTY DAYS AFTER AN OPERATOR MAKES THE DISCLOSURES REQUIRED UNDER SUBSECTION (3) OF THIS SECTION, THE COMMISSION SHALL:

(I) POST THE CHEMICAL DISCLOSURE LIST ON THE CHEMICAL DISCLOSURE WEBSITE AND INCLUDE THE DATE OF THE SUBMISSION OF THE CHEMICAL DISCLOSURE LIST TO THE COMMISSION IN THE POST; AND

(II) PROVIDE THE CHEMICAL DISCLOSURE LIST TO THE OPERATOR OF THE APPLICABLE WELL.

(e) THE COMMISSION SHALL:

(I) POST AN UPDATED CHEMICAL DISCLOSURE LIST IF THERE ARE ANY NOTIFICATIONS RECEIVED FROM A DISCLOSER, MANUFACTURER, OR OPERATOR UNDER SUBSECTION (4) OF THIS SECTION AND INCLUDE THE DATE OF THE NOTIFICATION BY THE DISCLOSER, MANUFACTURER, OR OPERATOR IN THE POST; AND

(II) ENSURE THAT:

(A) ALL CHEMICAL DISCLOSURE LISTS AND UPDATED CHEMICAL DISCLOSURE LISTS REMAIN VIEWABLE BY THE PUBLIC;

(B) THE CHEMICAL DISCLOSURE WEBSITE IS SEARCHABLE BY CHEMICAL, DATE OF SUBMISSION OR UPDATE OF A CHEMICAL DISCLOSURE LIST, NAME AND ADDRESS OF THE OPERATOR, AND COUNTY OF THE WELL SITE; AND

(C) THE CHEMICAL DISCLOSURE WEBSITE ALLOWS MEMBERS OF THE PUBLIC TO DOWNLOAD CHEMICAL DISCLOSURE LISTS IN AN ELECTRONIC, DELIMITED FORMAT.

(6) **Community notification.** (a) ON OR BEFORE JULY 31, 2023, AND SUBJECT TO SUBSECTION (6)(b) OF THIS SECTION, AN OPERATOR SHALL PROVIDE THE CHEMICAL DISCLOSURE LIST TO:

(I) ALL OWNERS OF MINERALS THAT ARE BEING DEVELOPED AT THE WELL SITE;

(II) ALL SURFACE OWNERS, BUILDING UNIT OWNERS, AND RESIDENTS, INCLUDING TENANTS OF BOTH RESIDENTIAL AND COMMERCIAL PROPERTIES, THAT ARE WITHIN TWO THOUSAND SIX HUNDRED FORTY FEET OF THE WELL SITE;

(III) THE STATE LAND BOARD IF THE STATE OWNS MINERALS THAT ARE BEING DEVELOPED AT THE WELL SITE;

(IV) THE FEDERAL BUREAU OF LAND MANAGEMENT IF THE UNITED STATES OWNS THE MINERALS THAT ARE BEING DEVELOPED AT THE WELL SITE;

(V) THE SOUTHERN UTE INDIAN TRIBE IF THE MINERALS BEING DEVELOPED AT THE WELL SITE ARE WITHIN THE EXTERIOR BOUNDARY OF THE TRIBE'S RESERVATION AND ARE SUBJECT TO THE JURISDICTION OF THE COMMISSION;

(VI) ALL SCHOOLS, CHILD CARE CENTERS, AND SCHOOL GOVERNING BODIES WITHIN TWO THOUSAND SIX HUNDRED FORTY FEET OF THE WELL SITE;

(VII) POLICE DEPARTMENTS, FIRE DEPARTMENTS, EMERGENCY SERVICE AGENCIES, AND FIRST RESPONDER AGENCIES THAT HAVE A JURISDICTION THAT INCLUDES THE

WELL SITE;

(VIII) LOCAL GOVERNMENTS THAT HAVE A JURISDICTION WITHIN TWO THOUSAND SIX HUNDRED FORTY FEET OF THE WELL SITE;

(IX) THE ADMINISTRATOR OF ANY PUBLIC WATER SYSTEM THAT OPERATES:

(A) A SURFACE WATER PUBLIC WATER SYSTEM INTAKE THAT IS LOCATED FIFTEEN STREAM MILES OR LESS DOWNSTREAM FROM THE WELL SITE;

(B) A GROUNDWATER UNDER THE DIRECT INFLUENCE OF A SURFACE WATER PUBLIC WATER SYSTEM SUPPLY WELL WITHIN TWO THOUSAND SIX HUNDRED FORTY FEET OF THE WELL SITE; AND

(C) A PUBLIC WATER SYSTEM SUPPLY WELL COMPLETED IN A TYPE III AQUIFER WITHIN TWO THOUSAND SIX HUNDRED FORTY FEET OF THE WELL SITE; AND

(X) THE DIVISION IF:

(A) THERE IS A HIGH-PRIORITY HABITAT AREA WITHIN ONE MILE OF THE WELL SITE; OR

(B) THERE IS A STATE WILDLIFE AREA, AS DEFINED IN SECTION 33-1-102 (42), OR A STATE PARK OR RECREATION AREA WITHIN TWO THOUSAND SIX HUNDRED FORTY FEET OF THE WELL SITE.

(b) THE CHEMICAL DISCLOSURE LIST MUST BE DISCLOSED IN ACCORDANCE WITH SUBSECTION (6)(a) OF THIS SECTION WITHIN THIRTY DAYS AFTER THE OPERATOR'S RECEIPT OF THE CHEMICAL DISCLOSURE LIST FROM THE COMMISSION.

(7) **Reporting to the general assembly.** (a) (I) THE COMMISSION SHALL PREPARE AN ANNUAL REPORT THAT INCLUDES A LIST OF THE CHEMICALS USED IN DOWNHOLE OPERATIONS IN THE STATE IN THE PRIOR CALENDAR YEAR.

(II) THE COMMISSION SHALL PRESENT THE ANNUAL REPORT TO THE TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE AND THE ENERGY AND ENVIRONMENT COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES, DURING THE COMMITTEES' HEARINGS HELD PRIOR TO THE 2026 REGULAR SESSION, AND EACH SESSION THEREAFTER, OF THE GENERAL ASSEMBLY UNDER THE "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART) GOVERNMENT ACT", PART 2 OF ARTICLE 7 OF TITLE 2. THE COMMISSION SHALL ALSO POST THE REPORT ON THE COMMISSION'S WEBSITE.

(b) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT TO REPORT TO THE LEGISLATIVE COMMITTEES CONTINUES INDEFINITELY.

(8) **Rules.** THE COMMISSION MAY PROMULGATE RULES THAT ARE NECESSARY FOR THE IMPLEMENTATION AND ADMINISTRATION OF THIS SECTION.

(9) **Local governments.** NOTHING IN THIS SECTION OR THE RULES PROMULGATED BY THE COMMISSION PURSUANT TO THIS SECTION LIMITS A LOCAL GOVERNMENT

FROM ENACTING OR ENFORCING ANY ORDINANCE, REGULATION, OR OTHER LAW RELATED TO THE DISCLOSURE OF ANY CHEMICAL PRODUCT.

(10) Collection of chemical disclosure information under other provisions of law. NOTWITHSTANDING ANY LAW TO THE CONTRARY, NOTHING IN THIS SECTION OR THE RULES PROMULGATED BY THE COMMISSION PURSUANT TO THIS SECTION PREVENTS THE COMMISSION, THE STATE, OR A LOCAL GOVERNMENT FROM COLLECTING CHEMICAL DISCLOSURE INFORMATION FROM DISCLOSERS, MANUFACTURERS, OR OPERATORS UNDER ANY OTHER PROVISION OF LAW.

SECTION 3. Appropriation. (1) For the 2022-23 state fiscal year, \$61,500 is appropriated to the department of natural resources. This appropriation is from the oil and gas conservation and environmental response fund created in section 34-60-122 (5)(a), C.R.S. To implement this act, the department may use this appropriation for the purchase of information technology services.

(2) For the 2022-23 state fiscal year, \$61,500 is appropriated to the office of the governor for use by the office of information technology. This appropriation is from reappropriated funds received from the department of natural resources under subsection (1) of this section. To implement this act, the office may use this appropriation to provide information technology services for the department of natural resources.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: June 8, 2022